

Remarks/Arguments

Reconsideration of the application is requested.

Claims 1, 26, 38 and 42 have been rejected by the Examiner under 35 USC § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 26, 38 and 42 have been amended to distinctly claim what is a "artificial personality" and "perceptible assurance" as these terms have been defined in paragraph 0011 by Applicants specification. The claims have also been amended to indicate that the term "trust" is not a physical element.

Claims 1-6, 9, 10-13, 26, 30, 31 and 42 have been rejected by the examiner under 35 USC § 103(a) as being unpatentable over U.S. Publication Number 2001/0039535 to Tsiounis et al in view of U.S. Patent Number 7,096,204 to Chen et al.

Tsiounis discloses the following in paragraph 0036:

"In **FIG. 1**, a customer is operating a web browser on customer computer **100**. The browser uses HTML information transmitted by merchant server **110** to display the merchant's web pages on customer computer **100**. A customer viewing a merchant's web site that wishes to purchase an advertised good or service (referred to hereinafter as "item") indicates a selected item and indicates that the customer wishes to pay for the item using a trusted third party. The customer may indicate desire to pay using a trusted third party by, for example, clicking on an icon or other section of the displayed web page carrying identification of the trusted third party. The web browser on customer computer **100** interprets the customer's indication and transmits the selections to merchant server **110** as order information (step **10**). Merchant server **110** receives the order information and transmits back to customer **100** transaction information, such as a payment price, currency code, merchant identification number ("merchant ID"), transaction identification number ("transaction ID"), transaction date and time, and description of goods sold. Merchant and transaction ID "numbers" may also include letters and symbols. In some embodiments consistent with the present invention, merchant server **110**

digitally signs the merchant ID and/or the transaction ID so that either the customer or TTP 120 can authenticate the identify (sic) of the merchant."

Tsiounis discloses the following in paragraph 0044

"In methods and systems consistent with the present invention, the customer's confidential payment information and transaction information is used to generate a Payment Authorization Number (or "PAN"). As described herein, the PAN may be generated by a TTP-signed applet, object, or browser plug-in operating on customer computer 110, or software operating on TTP 120. The software that generates the PAN (whether resident on customer computer 110 or TTP 120) will be referred to as the "PAN calculator."

Tsiounis discloses the following in lines 12-23 of paragraph 0052

"TIP 120 authenticates the PAN by recalculating it and comparing it with the submitted PAN. TIP 120 verifies the customer's confidential payment information by checking, for example, whether the cards used by the customer to create the signature were valid and had not expired, there are sufficient funds in the account, and the merchant accepts this method of payment. If the transaction information passes the proper validations, TIP 120 authorizes payment and executes payment to the merchant. TIP 120 notifies merchant server 110 that payment has been executed (step 16). The notification may include a digital signature of TIP 120 which can be verified by merchant server 110. When payment is received, merchant server 110 notifies the customer via customer computer 110 that payment has been received (step 11). If the transaction does not pass validation, TIP 120 sends an error message to merchant server 110, which notifies customer computer 110 that the payment was not successful."

The Examiner stated the following in page 5 of the December 1, 2006, Patent Office Action .

Tsiounis et al. do not expressly disclose an artificial personality of said trusted third party so that said second party will have a perceptible assurance that said second party will recognize the artificial personality of said trusted third party when said second party is in communication with said trusted third party system. Chen et al. disclose an artificial personality of said trusted third party so that said second party will have a

perceptible assurance that said second party will recognize the artificial personality of said trusted third party when said second party is in communication with said trusted third party system (see claim 4 – mutual authentication occurs between the broker and the vendor.

Chen discloses the following in claim 4 “A method as disclosed in claim 1, further comprising the step of mutual authentication between the broker and the sender.

Applicant in claims 1, 26, 38 and 42 and those claims dependent thereon as amended use physical features of a device or signals produced by the device to provide a second party with an artificial personality of the trusted third party.

The art cited by the Examiner does not disclose or anticipate steps b and d of independent claim 1 as amended namely, b) said trusted third party system communicating with said second party by producing physical features of a device or signals produced by the device which provides said second party with a artificial personality of said trusted third party so that said second party will recognize physical features of the device, or signals produced by the device to have a perceptible assurance that said second party will recognize the artificial personality of said trusted third party when said second party is in communication with said trusted third party system; and d) the artificial personality of said third party is transferred to said second party so that said second party will trust that said first party's obligations have been or will be fulfilled.

The art cited by the Examiner does not disclose or anticipate steps b and d of independent claims 26 as amended namely, b) communicate with said second party by providing said second party physical features of a device or signals produced by the device to provide a artificial personality of said trusted third party so that said second party will recognize physical features of the device or signals produced by the device to have a perceptible assurance that said second party will recognize the artificial personality of said trusted third party when said second party is in communication with said trusted third party system; and d) the artificial personality of said third party is transferred to said second party so that second party will trust that said first party's obligations have been or will be fulfilled.

The art cited by the Examiner does not disclose or anticipate the following provision of independent claim 38 as amended namely where said plurality of devices all have perceptible physical features produced by a device which are difficult to reproduce, and are all tamper resistant, so as to provide perceptible physical features of the device to provide assurance that said portable communications device is an authorized device and that said information provided by said trusted third party system is authentic.

The art cited by the Examiner does not disclose or anticipate steps b and c of independent claim 42 as amended namely b) communicate with said second party by producing physical features of a device or signals produced by the device to provide said second party with a artificial personality of said trusted third party so that said second party will recognize physical features of the device or signals produced by the device to have a perceptible assurance that said second party will recognize the artificial personality of said trusted third party when said second party is in communication with said trusted third party system; and c) transmit information regarding the artificial personality of said trusted third party to said second party to provide assurance that said first party's instructions have been or will be fulfilled.

New claims 48 depends on claim 1 and new claim 49 depends on claim 26, New claims 50 depends on Claim 38 and new claim 51 depends on Claim 42. Claims 48-52 add the limitation that the physical features of the device, or signals produced by the device are directly perceived by said second party, either from the device itself or when the device is used, without the use of encryption technology.

Claims 7, 8, 28 and 29 have been rejected by the Examiner under 35 USC § 103(a as being unpatentable over Tsiounis et al. and Chen and further in view of U.S. Patent Number 6,363,357 top Rosenberg et al.

In addition to the Argument made above, please consider the following Rosenberg discloses the following in column 4 lines 22-54.

"Payment broker computer **132** includes a central processing unit **154**, RAM **156**, ROM **158**, a merchant database **160**, a merchant account database **162**, decryption software **164**, encryption software **166**, a buyer database **168**, buyer vaults **170**, a broker merchant web site **172** and a broker buyer web site **174**. When a merchant **106** wants to register with the payment broker's **118** service in order to sell digital content via the online payment system **100**, the merchant **106** connects to the broker's merchant web site **172** via the public network **120** utilizing the browser **144** (step **300**). The merchant **106** indicates the desire to register by clicking on an icon at the broker's merchant web site **172** (step **300**). The payment broker computer **132** then requests information from the merchant **106** such as name (of individual or company), mailing and e-mail addresses, work/fax numbers, merchant bank and appropriate account numbers for receiving payments, a merchant password, and the merchant interbank account transfer number (step **302**). Upon receipt of the aforementioned information by the broker computer **132**, via a secure socket layer (SSL) connection, it is stored in the merchant database **160** (step **304**). The broker computer **132** then returns to the merchant computer **124** encoder utility software **150** and a merchant registration file that is stored in merchant registration file store **152** (step **306**). The merchant registration file includes a merchant identification (ID) and a merchant secret key " K_m " which are also stored in the merchant database **160**. The broker computer **132** establishes a merchant account in the merchant account database **162** which is correlated to all of the merchant specific information in merchant database **160**, including the merchant registration file information (step **308**). At this point in time, the merchant **106** is fully registered with the payment broker computer **132** (step **310**)."

In Rosenberg's disclosed invention the merchant is disclosing publicly available information i.e. name, mailing and e-mail address, fax number, etc.

Whereas in applicant's claimed invention applicant is utilizing artificial personality information. Applicant stated in lines 7-17 of paragraph 0108 of application specification the following:

"Such advanced techniques may allow artificial personalities to do things such as make inside jokes, ask about things on the user's to do list, or ask things like: "How is that car you bought working out?" The user and the artificial personality can have a shared vocabulary so that ambiguous phrases such as "my account" or "Jeff" will be recognized. Advanced artificial personalities can also have traits such as a particular sense of

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humor, or style; make pseudo-factual statements about hobbies, its schedule, etc.; may gradually change over time; and generally may more closely emulate an actual person with a complex, detailed life and so provide an increased level of assurance to users. In other embodiments of the subject invention advanced artificial personalities can apply similar considerations to users to assure that users are who they represent themselves to be."

Thus, the artificial personality claimed by applicant is not disclosed or anticipated by Tsiounis, Chen and/or Rosenberg.

In view of the above claims 1-42, 45-47 as amended and new claims 48-52 are patentable. If the Examiner has any questions would the Examiner, please contact the undersigned at the telephone number listed below.

Respectfully submitted,



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